

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/13/23 H3/13/23
A Bill

HOUSE BILL 1204

By: Representative Wooten

For An Act To Be Entitled

AN ACT CONCERNING PRIVATE SCHOOLS; TO REQUIRE PRIVATE SCHOOLS TO ADMINISTER AN ANNUAL STATEWIDE STUDENT ASSESSMENT; TO REQUIRE PRIVATE SCHOOLS TO ADMIT EACH STUDENT WHO APPLIES FOR ADMISSION AND INTENDS TO USE STATE FUNDING TO COVER THE COSTS ASSOCIATED WITH ADMITTANCE AND ATTENDANCE AT THE PRIVATE SCHOOL; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE PRIVATE SCHOOLS TO ADMINISTER AN ANNUAL STATEWIDE STUDENT ASSESSMENT; AND TO REQUIRE PRIVATE SCHOOLS TO ADMIT EACH STUDENT WHO APPLIES FOR ADMISSION AND INTENDS TO COVER PRIVATE SCHOOL COSTS WITH STATE FUNDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-15-2006(a)(1)(B), concerning an annual reporting of a student's statewide assessment test results, is amended to read as follows:

(B) The A private school, as defined in § 6-15-2907, and school district board of directors shall report to the parent, guardian, or the student, if the student is eighteen (18) years of age or older, the student's results on each statewide assessment test.

SECTION 2. Arkansas Code § 6-15-2907(a), concerning the implementation



of a statewide student assessment system, is amended to read as follows:

(a)(1) *The Division of Elementary and Secondary Education shall implement a statewide student assessment system to be administered by Arkansas public schools and private schools on a schedule determined by the State Board of Education that includes the following components:*

~~(1)(A)~~ *Developmentally appropriate measurements or assessments for kindergarten through grade two (K-2) in literacy and mathematics;*

~~(2)(B)~~ *Assessments to measure English language arts, mathematics, and science as identified by the state board;*

~~(3)(C)~~ *Assessments of English proficiency of all English learners; and*

~~(4)(A)(D)(i)~~ *Assessments to measure college and career readiness.*

~~(B)(ii)~~ *A public school or private school that serves a student in grades ten through twelve (10-12) shall administer college and career readiness assessments, including a career readiness assessment that leads to a nationally recognized work readiness certificate, as determined by the state board, to each student before he or she graduates from high school.*

~~(G)(iii)~~ *Public school districts may offer additional college and career readiness assessments for students in grades ten through twelve (10-12) at no cost to the student by using public school district funding, including without limitation Enhanced Student Achievement Funding under § 6-20-2305.*

(2) However, any costs associated with the administration of a statewide student assessment system by a private school shall be entirely covered by the private school.

SECTION 3. Arkansas Code § 6-15-2907(d)-(f), concerning requirements regarding the statewide student assessment system, are amended to read as follows:

(d) A public school district or private school, at its own expense, may assess the academic achievement and growth of students by other means in addition to the required statewide student assessment system.

(e) All students enrolled in a public school district or private school shall participate in the statewide student assessment system.

(f) Public school district boards of directors and private schools

shall not establish school calendars that limit or interfere with student participation in the statewide student assessment system.

SECTION 4. Arkansas Code § 6-15-2907(h), concerning requirements regarding the statewide student assessment system, is amended to read as follows:

(h) The division shall provide for statewide student assessments that are:

- (1) Valid and reliable;
- (2) Obtained or developed, as appropriate, through contracts and project agreements;
- (3) Aligned to the Arkansas academic standards; and
- (4) Scored and returned for public school, ~~and~~ public school district, and private school use by August 1 of each year.

SECTION 5. Arkansas Code § 6-15-2907(i)(1), concerning statewide student assessment system security and confidentiality, is amended to read as follows:

(i)(1) Public schools, public school districts, private schools, and educators shall maintain assessment security and confidentiality.

SECTION 6. Arkansas Code § 6-15-2907(i)(3), concerning breach of security and confidentiality requirements for the statewide student assessment system, is amended to read as follows:

(3) A violation by a public school, a public school district, a private school, or an educator of the security or confidential integrity of any test or assessment may result in action by the state board under §§ 6-17-410 and 6-17-428 or under the rules promulgated by the state board to implement this subchapter.

SECTION 7. Arkansas Code § 6-15-2907(1), concerning the analysis and reporting of student performance data, is amended to read as follows:

(1) Public school districts and private schools shall analyze and report student performance data to students, parents, and the community, if the disclosures are not in conflict with applicable federal law and state law.

SECTION 8. Arkansas Code § 6-15-2907, concerning the implementation of a statewide student assessment system, is amended to add additional subsections to read as follows:

(m) As used in this section, "private school" means a nonpublic school that:

(1) Offers instruction for students in grades kindergarten through twelve (K-12) in this state; and

(2) Receives any form of state funding in any amount.

SECTION 9. Arkansas Code § 6-15-2909(a), concerning dissemination of personally identifiable information with regard to the public availability of test instruments and scores, is amended to read as follows:

(a) Any material containing the personally identifiable information, including without limitation identifiable scores, of individual students on any test taken under the provisions of this subchapter shall not be:

(1) Considered a public record within the meaning of the Freedom of Information Act of 1967, § 25-19-101 et seq.; or

(2) Disseminated or otherwise made available to the public by a member of the State Board of Education, an employee of the Division of Elementary and Secondary Education, a member of the board of directors of a school district, an employee of a school district, an administrator or employee of a private school, or any other person, except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2017.

SECTION 10. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended to add an additional section to read as follows:

6-18-234. Private school – Admittance requirements.

(a)(1) A private school shall admit each student who:

(A) Applies for admission to the private school; and

(B) Intends to use state funds to cover the costs associated with admittance and attendance at the private school.

(2)(A) A private school that accepts state funds may claim a lack of capacity to admit a student who applies for admission to the private school only if the private school has reached its maximum student-to-teacher

ratio permitted under federal law or other applicable state or federal rules.

(B) On or before May 31, a private school that accepts state funds shall submit to the Division of Elementary and Secondary Education a report detailing its capacity for the upcoming school year.

(b) As used in this section, "state funds" shall include without limitation the use of any form of state funds awarded to a student, including without limitation state funds awarded to a student under the following programs:

(1) The Philanthropic Investment in Arkansas Kids Program Act, § 6-18-2301 et seq.; and

(2) The Succeed Scholarship Program, § 6-41-901 et seq.

/s/Wooten